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March 29, 2023

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BY ECF

Hon. Sarah L. Cave
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Dorce, et al. v. City of New York, et al.*, No. 1:19-cv-02216 (JLR) (SLC)

Dear Judge Cave:

Plaintiffs, Municipal Defendants,¹ and Transferee Defendants² write pursuant to this Court's March 22, 2023 Order (ECF No. 246) to report on the status of document discovery. The parties respectfully suggest that they submit a joint letter in two weeks' time on the status of document discovery.

Plaintiffs separately request that the Court set April 7, 2023 as the deadline for Transferee Defendants to provide their privilege log.

Municipal Defendants' Productions

Municipal Defendants' Statement:

On February 28, the parties held a meet-and-confer during which they discussed Plaintiffs' request for documents "concerning" a TPT Working Group. MDs agreed that, subject to their continuing objection to searching for and producing additional documents concerning the TPT working group, they would run search terms if Plaintiffs proposed them. On March 3, Plaintiff sent proposed search terms. On March 7, MDs provided hit reports for Plaintiffs' proposed search terms and explained that the search terms were overbroad and that they continued to object to the request

¹ "Municipal Defendants" refers to defendants the City of New York (the "City"), Louise Carroll, former Commissioner of the City's Department of Housing Preservation and Development ("HPD"), and Sherif Soliman, former Commissioner of the City's Department of Finance ("DOF").

² "Transferee Defendants" are BSDC Kings Covenant Housing Development Fund Company, Inc. ("BSDC") and Neighborhood Restore Housing Development Fund Corp. ("Neighborhood Restore").

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but that, if Plaintiffs proposed narrower terms, they would consider whether a proportional review and production could be made employing such terms.

On March 15, Plaintiffs proposed revised search terms. On March 23, MDs provided Plaintiffs with a hit report for the revised terms and explained that the search terms continued to return a disproportionately large number of documents for a request of this nature. MDs advised that they are working to see if they can develop a counter-proposal that would result in a more proportional review.

Plaintiffs' Statement:

Plaintiffs await Municipal Defendants' counter-proposal regarding the above.

Transferee Defendants' Productions

Transferee Defendants' Statement:

Non-Municipal Defendants are finalizing the review of disclosure of the privilege log requested by Plaintiffs. This is due to be completed in the first week of April.

Plaintiffs' Statement:

In response to the above, Plaintiffs emailed Transferee Defendants to clarify whether they will provide their privilege log by April 7, 2023 and whether they will be producing any documents that they inadvertently withheld as privileged at that time. As of this filing, Transferee Defendants have not responded to these questions. Nor have they responded to Plaintiffs' question via email on March 9, 22, and 28 for the number of documents that Transferee Defendants are reviewing for privilege.

In light of Transferee Defendants' contemplated timetable, Plaintiffs respectfully request that the Court so order April 7, 2023 as the deadline for Transferee Defendants to provide their privilege log.

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Respectfully submitted,

PLAINTIFFS

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cc: Counsel of Record (via ECF)